

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
IN COURT
CHARLOTTE, N. C.

FEB 28 2006

U. S. DISTRICT COURT
W. DIST. OF N. C.
3:06-cr-38-C

UNITED STATES OF AMERICA)

DOCKET NO.)

BILL OF INDICTMENT

v.)

Violations:

(01) MICHAEL YASHEMIA BYERS)

18 U.S.C. § 2

a/k/a Cedric Diyonte Jackson, Stoney Sellars,)
and Marteice McClure)

18 U.S.C. § 371

18 U.S.C. § 513(a)

18 U.S.C. § 1028A(a)(1)

(02) BRANDON LEE CAUDLE)

18 U.S.C. § 1344

18 U.S.C. § 1708

THE GRAND JURY CHARGES:

INTRODUCTORY PARAGRAPHS

The Schemes to Steal Checks and to Make Purchases with Forged Checks

1. Beginning on or about December 2004 and continuing until on or about February 2006, MICHAEL YASHEMIA BYERS, BRANDON LEE CAUDLE, and others known and unknown to the grand jury, engaged in a scheme to steal checks out of the mail or to buy them from others, to forge checks, to commit identity theft, and to defraud multiple supermarkets and financial institutions in the Western District of North Carolina and elsewhere.

2. BYERS, CAUDLE, and others furthered their schemes by following United States Postal Service letter carriers around residential neighborhoods looking for deliveries of checks in the mail. They then stole the checks out of the unsuspecting homeowners' mailboxes. Alternatively, they purchased stolen checks from others.

3. BYERS, CAUDLE, and others went to supermarkets to purchase merchandise, including Green Dot debit cards, by forging the checks they had stolen or had purchased. Green Dot debit cards enable the purchaser to put money on a debit card and use that debit card elsewhere.

4. BYERS purchased false identification documents in Atlanta, Georgia to use to further the scheme.

DOCUMENT
SCANNED

The Acts of Mail Theft and of Passing Forged Checks on Victims' Bank Accounts

5. On or about August 13, 2005, BYERS stole from the mail, or received, knowing they were stolen from the mail, blank checks of S.W.S.
6. On or about September 15, 2005, BYERS stole from the mail, or received, knowing they were stolen from the mail, blank checks of J.L.M.
7. On or about September 23, 2005, BYERS stole from the mail, or received, knowing they were stolen from the mail, blank checks of S.H.
8. On or about October 13, 2005, BYERS stole from the mail, or received, knowing they were stolen from the mail, blank checks of K.O.
9. On or about October 15, 2005, BYERS stole from the mail, or received, knowing they were stolen from the mail, blank checks of A.H.H. and C.H.H.
10. On or about October 15, 2005, BYERS used a forged check from the Wachovia bank checking account of K.O. to purchase merchandise and to put cash on a Green Dot debit card at a Bloom store.
11. On or about October 16, 2005, BYERS used a forged check from the Wachovia bank checking account of K.O. to purchase merchandise and to put cash on a Green Dot debit card at a Bloom store.
12. On or about October 24, 2005, BYERS stole from the mail, or received, knowing they were stolen from the mail, blank checks of M.M.R.
13. On or about November 22, 2005, BYERS stole from the mail, or received, knowing, they were stolen from the mail, blank checks of R.K.S.
14. On or about November 22, 2005, BYERS stole from the mail, or received knowing they were stolen from the mail, blank checks and deposit slips of K.C.H.
15. On or about November 22, 2005, BYERS presented a North Carolina learner's permit in the name of C.D.J. in attempting to use a forged check from the Wachovia bank checking account of R.K.S. to purchase merchandise and to put cash on a Green Dot debit card at a Bloom store.
16. On or about November 22, 2005, BYERS possessed blank checks from the Wachovia bank checking accounts of R.K.S., M.M.R. K.O., A.H.H. and C.H.H., and S.W.S.; the USAA Federal Savings Bank checking account of S.H.; and the SunTrust checking account of J.L.M..

17. On or about November 22, 2005, BYERS possessed deposit slips from the Bank of America checking account of K.C.H.

18. On or about February 13, 2006, BYERS and CAUDLE stole blank checks from the mailbox of K.C.

19. On or about February 13, 2006, BYERS and CAUDLE attempted to use a forged check from the BB&T bank checking account of K.C. to purchase merchandise and to put cash on a Green Dot debit card at a Food Lion store.

20. On or about February 13, 2006, BYERS and CAUDLE possessed a checkbook and a box of checks on the BB&T bank checking account of K.C.

COUNT ONE – CONSPIRACY

Violation: 18 U.S.C. § 371

21. Introductory Paragraphs 1 through 20 are realleged and fully incorporated herein by reference.

22. From on or about December 2004 and continuing until on or about February 2006, in Mecklenburg County and Gaston County, within the Western District of North Carolina, and elsewhere,

(01) MICHAEL YASHEMIA BYERS
a/k/a Cedric Diyonte Jackson, Stoney Sellars, and Marteice McClure

(02) BRANDON LEE CAUDLE

did knowingly and willfully combine, conspire, confederate and agree with each other, and with others both known and unknown to the grand jury, to commit offenses against the United States including, but not limited to, violations of Title 18, United States Code, Sections 513 (uttering counterfeit and forged securities), 1028 (fraud in connection with identification information), 1028A (aggravated identity theft), 1344 (bank fraud), and 1708 (theft or receipt of stolen mail matter).

MANNER AND MEANS

23. The defendants, and others both known and unknown to the grand jury, carried out the conspiracy in the manner and means described in Introductory Paragraphs 1 through 20, among others.

OVERT ACTS

24. In furtherance of this conspiracy and to effect the objects thereof, there was committed by at least one of the co-conspirators herein, in the Western District of North Carolina, at least one of the overt acts described in Introductory Paragraphs 1 through 20, among others.

25. All in violation of Title 18, United States Code, Section 371.

**COUNTS TWO THROUGH FOUR –
POSSESSING AND UTTERING COUNTERFEIT AND FORGED SECURITIES**

Violations: 18 U.S.C. §§ 513(a) & 2

26. Introductory Paragraphs 1 through 20 are realleged and fully incorporated herein by reference.

27. On or about the dates set forth below, in the counties set forth below, within the Western District of North Carolina, the defendants, as set forth below, aiding and abetting each other and others both known and unknown to the grand jury, made, uttered, and possessed a counterfeit security of a State and a political subdivision thereof and of an organization, and made, uttered and possessed a forged security of a State or political subdivision thereof and of an organization.

COUNT	DEFENDANT	DATE	COUNTY	SCHEME
TWO	(01) BYERS	October 15, 2005	Mecklenburg	Uttered and possessed forged check number 1187 for \$332.57 on the Wachovia Bank checking account of K.O.
THREE	(01) BYERS	October 16, 2005	Mecklenburg	Uttered and possessed forged check number 1184 for \$403.19 on the Wachovia Bank checking account of K.O.
FOUR	(01) BYERS (02) CAUDLE	February 13, 2006	Gaston	Possessed forged check number 1405 for \$300.72 on the BB&T checking account of K.C.

28. All in violation of Title 18, United States Code, Sections 513(a) and 2.

COUNTS FIVE THROUGH SEVEN – AGGRAVATED IDENTITY THEFT

Violations: 18 U.S.C. §§ 1028A(a)(1) & 2

29. Introductory Paragraphs 1 through 20 are realleged and fully incorporated herein by reference.

30. On or about the dates set forth below, in the counties set forth below, within the Western District of North Carolina, the defendants, as set forth below, aiding and abetting each other and others both known and unknown to the grand jury, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, a name, during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c), to wit, Title 18, United States Code, Section 1344 (bank fraud).

COUNT	DEFENDANT	DATE	COUNTY
FIVE	(01) BYERS	October 15, 2005	Mecklenburg
SIX	(01) BYERS	October 16, 2005	Mecklenburg
SEVEN	(01) BYERS (02) CAUDLE	February 13, 2006	Gaston

31. All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNTS EIGHT THROUGH TEN – BANK FRAUD

Violations: 18 U.S.C. §§ 1344 & 2

32. Introductory Paragraphs 1 through 20 are realleged and fully incorporated herein by reference.

33. On or about the dates set forth below, in the counties set forth below, within the Western District of North Carolina, the defendants, as set forth below, aiding and abetting each other and others both known and unknown to the grand jury, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution, the deposits of which were then federally insured, and to obtain moneys or other property owned by and under the custody and control of said financial institution, by means of false or fraudulent pretenses, representations, or promises, as set forth below.

COUNT	DEFENDANT	DATE	COUNTY	SCHEME
EIGHT	(01) BYERS	October 15, 2005	Mecklenburg	Uttered and possessed forged check number 1187 for \$332.57 on the Wachovia Bank checking account of K.O.
NINE	(01) BYERS	October 16, 2005	Mecklenburg	Uttered and possessed forged check number 1184 for \$403.19 on the Wachovia Bank checking account of K.O.
TEN	(01) BYERS (02) CAUDLE	February 13, 2006	Gaston	Possessed forged check number 1405 for \$300.72 on the BB&T checking account of K.C.

34. All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT ELEVEN –
THEFT OR RECEIPT OF STOLEN MAIL MATTER

Violations: 18 U.S.C. §§ 1708 & 2

35. Introductory Paragraphs 1 through 20 are realleged and fully incorporated herein by reference.

36. On or about February 13, 2006, in Mecklenburg County, within the Western District of North Carolina,

(01) MICHAEL YASHEMIA BYERS
a/k/a Cedric Diyonte Jackson, Stoney Sellars, and Marteece McClure

(02) BRANDON LEE CAUDLE

aiding and abetting each other and others both known and unknown to the grand jury, stole, took, and abstracted, and by fraud and deception obtained, and attempted so to obtain, from and out of any mail, letter box, mail receptacle, and any mail route or other authorized depository for mail matter, a letter, postal card, package, bag and mail, and abstracted and removed from any such letter, package, bag, and mail, any article and thing contained therein, and secreted, embezzled, and destroyed any such letter, postal card, package, bag, and mail, and any article and thing contained therein; and

bought, received, and concealed, and unlawfully had in the defendants' possession, any letter, postal card, package, bag, and mail, and any article and thing contained therein, which was so stolen, taken, embezzled, and abstracted, as herein described, knowing the same to have been stolen, taken, embezzled, and abstracted.

37. All in violation of Title 18, United States Code, Sections 1708 and 2.

A TRUE BILL:


FOREPERSON

GRETCHEN C.F. SHAPPERT
UNITED STATES ATTORNEY


JONATHAN A. VOGEL
ASSISTANT UNITED STATES ATTORNEY